



PATENT

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Brenda D. Chambers

Appl. No. : 10/780,163
Applicant : Roger A. Mock et al
Filed : February 17, 2004
Art Unit : 2826
Examiner : WILLIAMS, Alexander O.

Confirmation No.: 1265

Docket No. : DP-310331
Customer No. : 22851

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to an Office Action containing an Election/Restriction requirement mailed 1 September 2005. In the Office Action, the Examiner required, under 35 U.S.C. 121, election by the Applicant of a single disclosed species of the claimed invention for prosecution on the merits, selected from groupings identified as Species I, figures 3A-3D; Species II, figures 4A-4D; Species III, figures 5A-5G; Species IV, figures 6A-6F; Species V, figures 7A-7E and; Species VI, figures 8A-8E.

The Applicants hereby formally provisionally elect, with traverse, invention Species III, figures 5A-5G.

The Applicants submit that all claims (1 – 20) are readable upon invention Species III, and that all claims (1 – 20) are generic to all six Species.

The Examiner states that the inventions are distinct, each from the others. However, no rationale for this conclusion is provided.

Section 803 of the latest edition of the *Manual of Patent Examining Procedure (MPEP)* sets forth two criteria for a proper requirement for restriction between patentably distinct inventions, requiring (A) the invention must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner if restriction is required.

All of claims 1 – 20 can and should be searched and examined together by the Examiner without requiring any serious burden.

In view of the above election, with traverse, Applicants request that all claims 1 – 20 be considered and examined in this application.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Gordon Lewis".

J. Gordon Lewis
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